

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13630, of American Trucking Associations, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a private parking lot in an R-5-D District at the premises 1627-31 O Street, N.W., (Square 181, Lots 94 and 847).

HEARING DATE: December 16, 1981
DECISION DATE: January 6, 1982

FINDINGS OF FACT:

1. The subject property is located on the north side of O Street, between 16th and 17th Streets, N.W., in an R-5-D District. It is known as premises 1627-29-31 O Street, N.W.

2. The subject property is operated by and serves the needs of the American Trucking Associations for the automobiles of the employees, officers and visitors. This lot is presently operated pursuant to this Board's previous Order No. 12483, dated November 2, 1977, in which approval was granted for four years.

3. The parking lot has been in existence for some thirty years. It provides forty-three spaces. The applicant also provides other facilities in the neighborhood. In total the applicant provides approximately one parking space for every 2.5 employees, officers and visitors. Approximately two-thirds of the applicant's employees do not reside in the District of Columbia. The main building of the American Trucking Associations is located in the same Square 181, facing P Street and is separated from the parking lot by an alley.

4. The applicant had planned to develop the site through a Planned Unit Development (PUD) but has forsaken this idea. The applicant now proposes the continuation of a private parking facility for a period of four years. The applicant has plans for moving its headquarters facility to Alexandria, Virginia and anticipates occupancy of new facilities in Alexandria, Virginia in 1984.

5. Each of the provisions of the Board's prior Order of approval have been met by the applicant and the parking

lot has been operated pursuant to the terms and conditions of the Board's Order.

6. The applicant has received no complaints about the operation and maintenance of the lot.

7. The Department of Transportation, by memorandum dated September 15, 1981, reported that the subject lot is in an area well served by public transportation. A Metrorail station is located approximately two blocks away at Dupont Circle, and the site is well served by Metrobus, with direct service to most parts of the City and many areas of the suburbs. It was DOT's understanding that the applicant has plans for development of new office facilities to be processed as a planned unit development of this parking lot site. The DOT had no objection to the present use of this parking lot until implementation of the proposed development in the near future.

8. The Dupont Circle Citizens Association opposed the application. It would prefer housing on the site. The DCCA was concerned about the future use of the site since the PUD had been forsaken. It feared the land might be sold for office use.

9. Advisory Neighborhood Commission 2B opposed the application by letter of December 16, 1981. The ANC reported that at its meeting of November 1, 1981, the Commission voted unanimously to oppose the application on the grounds that the subject site is zoned for residential purposes not a parking lot, and that as a parking lot, the land is underused. The ANC was also concerned that, since so many of the applicant's employees were non-residents of the District, the parking lot was serving all day commuter parking. The ANC argued that, if the land were improved, the city would receive greater tax revenue. The ANC noted that according to residents of the Berkely House located in the subject square, the lot was not well kept.

10. The Board is required by statute to give great weight to the issues and concerns of the ANC. In addressing these concerns, as well as those of the DCCA, the Board finds that the applicant is seeking relief through a special exception not a use variance. The applicant has no burden to establish that the site cannot be used for housing. The statement of ANC that the subject lot is not well kept is a generalization. No evidence has been submitted in support of the allegations. As to commuter parking, Paragraph 3104.44 does not preclude this, nor did the Board so condition the prior grant. As to the future use of the site if the PUD is abandoned, the property would remain zoned R-5-D. In any sale of the land, it can be used only for the purpose for which it is zoned unless approved otherwise

through zoning relief. Such relief is not at issue in this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3104.44 and that the relief requested can be granted as in harmony with the general purpose and in tent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met the burden of proof. The continued use of this parking facility is not likely to become objectionable to adjoining and nearby property. The present character or future development of the neighborhood will not be adversely affected. The lot is reasonably necessary and convenient to other uses in the vicinity. The Board concludes that it has accorded to the ANC the "great weight" to which is is entitled. However, for the reasons stated, the Board does not accept the recommendation of the ANC. It is therefore ORDERED that this application is hereby GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of FOUR YEARS from the date of expiration of the previous certificate of occupancy, namely from November 2, 1981.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper or wheel stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space. The applicant shall keep the public area adjoining the parking lot free of refuse and debris.
- E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon

the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

- G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Lindsley Williams and Connie Fortune to GRANT; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY 25 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.